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Attorneys for Plaintiff X Corp.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

X CORP.,

Plaintiff,

v.

ROBERT A. BONTA, Attorney
General of California, in his
official capacity,

Defendant.

No. 2:23-cv-01939-WBS-AC

JOINT STATUS REPORT

Date: November 4, 2024
Time: 1:30 p.m.
Judge: Hon. William B. Shubb
Trial Date: None set
Action Filed: September 8, 2023

1 Plaintiff X Corp. and Defendant Attorney General Rob Bonta,
2 in his official capacity, (collectively, the "Parties") submit this
3 joint status report in accordance with the Court's September 30,
4 2024 Order, ECF No. 48. The Parties are concurrently filing a
5 Stipulation to Continue the Status and Scheduling Conference and
6 Joint Status Report (the "Stipulation") and a proposed order.

7 On September 4, 2024, the Ninth Circuit issued an opinion on
8 Plaintiff's appeal (the "Opinion"), remanding to the Court to enter
9 a preliminary injunction consistent with the Opinion and to make a
10 determination on severability and whether any remaining challenged
11 provisions should be enjoined. See ECF No. 46.

12 On September 30, 2024, the Court entered an Order
13 preliminarily enjoining Defendant from enforcing California
14 Business & Professions Code §§ 22677(a)(3), (a)(4)(A), and (a)(5)
15 as against Plaintiff. The Court set a status and scheduling
16 conference for November 4, 2024. The Court further ordered that
17 the Parties submit a joint status report on or before October 28,
18 2024, proposing a briefing and hearing schedule for the Court's
19 further preliminary injunction, addressing whether the enjoined
20 provisions are severable from the remaining challenged provisions
21 and, if so, which, if any, of the remaining challenged provisions
22 should also be enjoined. The Court ordered that the joint status
23 report also propose other dates and deadlines for discovery,
24 motions, and trial.

25 The Parties are actively engaged in settlement discussions.
26 In light of those ongoing settlement discussions and the
27 uncertainty regarding how much time the Parties will require to
28 complete those discussions, the Parties propose that the Court

1 order them to file a further joint status report within 60 days
2 and continue the status conference currently set for November 4,
3 2024. The Parties ask the Court to not set other deadlines at this
4 time.

5 In the alternative, if the Court wishes to set general case
6 deadlines, the Parties propose that the Court order the following
7 schedule (or other dates that the Court prefers):

8 Further Preliminary Injunction Proceedings

9 a. **September 30, 2025:** Plaintiff's Motion Seeking Further
10 Injunction and Opposing Severability

11 b. **October 21, 2025:** Defendant's Opposition to Plaintiff's
12 Motion Seeking Further Injunction and Opposing
13 Severability

14 c. **November 4, 2025:** Plaintiff's Reply Brief in Support of
15 Motion Seeking Further Injunction and Opposing
16 Severability

17 d. **December 1, 2025:** Hearing on Further Injunction and
18 Severability

19 Discovery, Motions, & Trial

20 e. **October 15, 2025:** Initial disclosures due

21 f. **February 15, 2026:** Completion of fact discovery

22 g. **February 28, 2026:** Initial expert disclosures due

23 h. **March 31, 2026:** Rebuttal expert disclosures due

24 i. **June 13, 2026:** Completion of expert discovery

25 j. **September 3, 2026:** Completion of dispositive motion
26 briefing

27 k. **December 7, 2026:** Trial
28

1 The Parties have entered into and concurrently filed a
2 Stipulation to Stay Discovery and Continue the Status (Pretrial
3 Scheduling) Conference and a proposed order reflecting their
4 agreement and requests to the Court. The Parties respectfully ask
5 the Court to adopt the proposed order.

6
7
8 DATED: October 28, 2024

9
10 Respectfully submitted,

11 /s/ Joel Kurtzberg

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/s/ Gabrielle D. Boutin (as authorized on
October 28, 2024)

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Deputy Attorney General

*Defendant Attorney General Rob Bonta, in
his official capacity*